

## **REMARKS**

### **I. Summary of the Office Action**

In the Office Action mailed December 22, 2006, the Examiner rejected claims 1, 3-11, and 13-19 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Pat. Publication No. 2004/0244001 A1 (“Haller”) in view of U.S. Pat. Publication No. 2002/0072380 A1 (“Takashima”) and WO 99/52314 (“Thayer”). The Examiner also rejected claims 2 and 12 as being allegedly unpatentable over Haller in view of Takashima and Thayer as applied to claims 1 and 10 and in further view of U.S. Pat. Publication No. 2003/0119512 (“Nakashima”).

The present Response is intended to be fully responsive to the rejections raised by the Examiner and is believed to place the Application in condition for allowance. Further, Applicants do not concede any of the Examiner’s comments not particularly addressed. Applicants respectfully request favorable reconsideration and allowance of the pending claims.

### **II. Status of the Claims**

Pending in this application are claims 1-19, of which claims 1, 9, 10, and 19 are independent, and the rest are dependent.

Each of independent claims 1 and 10 have been amended to include the elements: (i) receiving at a base transceiver station a signal sent wirelessly from a client station; (ii) selecting one of multiple base station controllers to which to route the signal from the base transceiver station, wherein the base station controller is selected based upon a characteristic of the signal that identifies that the signal is a test signal; and (iii) routing the signal from the base transceiver station to the selected base station controller.

Each of independent claims 9 and 19 has been amended to include the similar elements: (i) receiving at a base transceiver station a first signal sent wirelessly from a client station; (ii)

selecting a first one of multiple base station controllers to which to route the first signal from the base transceiver station, wherein the first base station controller is selected based upon a characteristic of the first signal, and routing the first signal over a packet switched network from the base transceiver station to the first selected base station controller; (iii) receiving at a base transceiver station a second signal sent wirelessly from a client station; and (iv) selecting a second one of multiple base station controllers to which to route the second signal from the base transceiver station, wherein the second base station controller is selected based upon a characteristic of the second signal that identifies that the signal is a test signal, and routing the second signal over a packet switched network from the base transceiver station to the second selected base station controller.

### **III. Responses to the Claim Rejections**

The Examiner rejected claims 1, 3-11, and 13-19 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Haller in view of Takashima and Thayer. Under M.P.E.P. § 2143, in order to establish a *prima facie* case of obviousness of a claim over a combination of references, the Examiner must establish that the combination discloses or suggests every element recited in the claim. Applicants respectfully submit that the Examiner has not met the requisite *prima facie* case of obviousness under M.P.E.P. § 2143 for at least the reason that none of Haller, Takashima, or Thayer, either alone or in combination, disclose or suggest all of the claim elements.

#### **A. Independent Claims**

Specifically, neither Haller nor Takashima discloses or suggests selecting one of multiple base station controllers to which to route a signal from a base transceiver station, wherein the

base station controller is selected based upon a characteristic of the signal that identifies that the signal is a test signal, as recited in Applicants' independent claims 1, 9, 10, and 19.

As recited in Applicants' specification, Applicants' claimed systems and methods can "differentiate between test signals (signals intended for use in testing remote BTS systems, for example) and non-test signals (customer-generated signals, for example)." Specification, p. 18, lines 10-11. Based on this determination, Applicants' claimed embodiments can, for example:

then select from multiple remote BTS systems a remote BTS system to which to route the signal. In the case of a test signal, the local gateway device 130 might route the signal to a remote BTS system undergoing testing. In the case of a non-test signal, the local gateway device 130 might route the signal according to established call routing procedures.

Specification, p. 18, lines 15-20. Applicants' amendments herein further clarify that, in Applicants' claimed embodiments, a base station controller is selected based upon a specific characteristic of a signal that identifies that signal as a test signal. There are no such teachings in any of Haller, Takashima, or Thayer.

The Examiner cites Thayer for the proposition that:

Thayer teaches a test signal is inputted into a tested base station controller from a virtual call manipulator (103) which mimics functionality and loads of actual base station and mobile stations (page 8 lines 7-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haller et al. with the base station controller is [sic] selected based upon a characteristic of the signal and wherein the characteristic of the signal identifies the signal is a test signal . . . .

Office Action, Dec. 22, 2006, p. 3. Applicants respectfully submit that although Thayer may disclose signals that are used in testing, Thayer fails to disclose or suggest a characteristic of a signal that identifies that the signal is a test signal. There is thus a distinction between the testing system disclosed in Thayer and Applicants' claimed embodiments. In Applicants' claimed embodiments, a base station controller is selected based upon a characteristic of a signal

identifying that signal as a test signal. In Thayer, there is no disclosure or suggestion of a characteristic of a signal that identifies that the signal is a test signal such that would allow a selection of a base station controller, such as Applicants' recited selection, to occur.

Indeed, Applicants' claimed embodiments are intended to be employed within a wireless telecommunications network that can handle both test signals and non-test signals. *See, e.g.*, Specification, p. 18, lines 10-11, 15-20; Fig. 1 (showing a portion of a wireless telecommunications network). Thus, Applicants' claimed embodiments include recitations directed to selecting base station controllers based upon a characteristic of a signal that identifies that the signal is a test signal. In contrast, the testing system disclosed in Thayer appears to include signals only for use in testing. *See, e.g.*, Thayer, p. 8 ([T]he invention can test a base station controller which would be used in a CDMA network . . . . Such testing typically would occur ***before*** the base station controller is in the CDMA network . . . .") (emphasis added). Thayer does not appear to handle non-test signals such that the testing system in Thayer differentiates between test signals (signals intended for use in testing remote BTS systems, for example) and non-test signals (customer-generated signals, for example). For at least these reasons, Applicants respectfully submit that each of the pending independent claims is allowable.

The combination of Haller, Takashima, and Thayer fails to teach or disclose each and every element of Applicants' pending independent claims 1, 9, 10, and 19, and the Examiner has failed to set forth a *prime facie* case of obviousness for these claims. Applicants therefore submit that independent claims 1, 9, 10, and 19 are allowable for at least the reasons set forth above in this section.

**B. Dependent Claims**

Without addressing the merits of the Examiner's statements regarding the pending dependent claims 2-8 and 11-18, which are not conceded, Applicants point out that these claims depend from and include all of the limitations of independent claims 1 and 10. Therefore, Applicants' dependent claims distinguish the cited references for the same reasons discussed above with regard to independent claims 1 and 10. Applicants respectfully request that the Examiner withdraw the rejections of the pending dependent claims.

**CONCLUSION**


In view of the foregoing, Applicants submit that all of the pending claims are in condition for allowance. Therefore, Applicants respectfully request favorable reconsideration and allowance of all of the claims. If the Examiner would like to discuss any aspect of this case, the Examiner is invited to telephone the undersigned at 312-913-0001.

Respectfully submitted,

**McDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP**

Date: 2/5/2007

By: \_\_\_\_\_

  
Eric R. Moran  
Reg. No. 50, 967